

## TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for MH/DD/SAS intends to amend the rule cited as 10A NCAC 27G .3803.*

**Proposed Effective Date:** *October 1, 2006*

**Instructions on How to Demand a Public Hearing:** *A person may demand a public hearing on the proposed rules by submitting a request in writing to Cindy Kornegay, 3018 Mail Service Center, Raleigh, NC 27699-3018 by June 30, 2006.*

**Reason for Proposed Action:** *Session Law 2005-312/House Bill 35 directs the Commission on Mental Health, Developmental Disabilities and Substance Abuse Services to revise its rules regarding the number of instructional program hours and the class size for ADETS schools.*

**Procedure by which a person can object to the agency on a proposed rule:** *The objection, reasons for the objection and the clearly identified portion of the rule to which the objection pertains, may be submitted in writing to Cindy Kornegay, 3018 Mail Service Center, Raleigh, NC 27699-3018, by August 14, 2006.*

**Comments may be submitted to:** *Cindy Kornegay, 3018 Mail Service Center, Raleigh, NC 27699-3018, phone (919) 715-2780, fax (919) 733-1221, email cindy.kornegay@ncmail.net*

**Comment period ends:** *August 14, 2006*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

**Fiscal Impact:**

- ☐ State
- ☐ Local
- ☐ Substantive (>\$3,000,000)
- ☒ None

## CHAPTER 27 – MENTAL HEALTH: COMMUNITY FACILITIES AND SERVICES

### SUBCHAPTER 27G - RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FACILITIES AND SERVICES

#### SECTION .3800 - SUBSTANCE ABUSE SERVICES FOR DWI OFFENDERS

##### 10A NCAC 27G .3803 OPERATIONS

- (a) Curriculum. School instructors shall follow the requirements in G.S. 122C-142.1.
- (b) The program of instruction shall consist of not less than ~~ten~~ 16 hours of classroom instruction.
- (c) Each school may provide up to three additional hours for classroom time and such activities as an initial student assessment, data gathering or a summary conference with students.
- (d) Class Schedule. Each school shall provide a written notice to each student referred by the court as to the time and location of all classes which the student is scheduled to attend.
- (e) Each student shall be scheduled to attend the first and the last class sessions in the order prescribed in the curriculum.
- (f) Classes shall be scheduled to avoid the majority of employment and educational conflicts.
- (g) Each school shall have a written policy which allows for students to be excused from assigned classes by the instructor provided that the excused absence is made up and does not conflict with Subparagraph (b)(1) of this Rule.
- (h) No class session shall be scheduled or held for more than three hours excluding breaks on any day or evening.
- (i) Class Size. Class size shall be limited to a maximum of ~~35~~ 20 persons.
- (j) Requirements contained in 10A NCAC 27G .3800 SUBSTANCE ABUSE SERVICES FOR DWI OFFENDERS ~~10A NCAC 29D .0600 SUBSTANCE ABUSE ASSESSMENTS FOR INDIVIDUALS CHARGED WITH OR CONVICTED OF DRIVING WHILE IMPAIRED (DWI)~~ shall be followed by anyone who provides DWI assessments.
- (k) DWI Services Certificates of Completion. The original copy of the North Carolina Department of ~~Human Resources~~ Health and Human Services DWI Services Certificates of Completion shall be forwarded to DMH/DD/SAS for review within two weeks of completion of all services.

*Authority G.S. 20-179; 20-179.2; 143B-147.*